United Nations CRPD/C/SLV/QPR/2-3

Convention on the Rights of Persons with Disabilities

Distr.: General
9 May 2017
English
Original: Spanish
English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of El Salvador*

A. Purpose and general obligations (arts. 1-4)

1. Please provide information on measures taken by the State party to bring its disability certification system into line with the principles of the Convention. Please provide information on the reforms undertaken in order to harmonize the Act on Equal Opportunities for Persons with Disabilities with the human rights standards set forth in the Convention and to remove derogatory language from the national legislation, particularly that used to refer to persons with psychosocial and/or intellectual disabilities.

2. Please indicate whether, in its national legislation, the State recognizes and punishes discrimination on the basis of disability as defined in article 2 of the Convention. Please report on measures taken to ensure that public institutions and private organizations, including enterprises, are informed of and incorporate into their operations the principles and concepts described in articles 2 and 3 of the Convention.

3. Please describe the mechanisms that provide for transparent, effective and substantive consultation with and participation of persons with disabilities, through their representative organizations, in the formulation of laws and public policies that concern them. Please indicate whether the State party has promoted the holding of consultations on legislative amendments needed in order to comply with the Convention. Please provide details on any such processes.

4. Please specify what percentage of the general budget is allocated to implementing national and municipal plans and programmes to protect the rights of persons with disabilities. Please provide information, disaggregated by sex, age, rural/urban area and migration status, on the results achieved by the National Policy for Persons with Disabilities.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

5. Please report on the measures in place to prevent, combat and penalize discrimination on the basis of disability in both the public and private arenas. Please provide disaggregated data on the number of complaints and/or allegations of discrimination on the basis of disability that were received, the penalties imposed and the forms of redress, including compensation, that were granted. Please describe the way in which all forms of discrimination on the basis of disability, including the denial of

* Adopted by the Committee at its seventeenth session (20 March-12 April 2017).

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reasonable accommodation as a form of discrimination, are recognized in the State party's legislation.

Women with disabilities (art. 6)

6. Please indicate whether the State party's legislation and policies recognize multiple and intersectional discrimination against women with disabilities. Please describe the achievements of the Special Comprehensive Act on a Violence-Free Life for Women as they relate to women with disabilities and list any obstacles hindering the identification of cases of violence against women with disabilities. Please provide information on laws or public policies on the subject of gender equality that include women with disabilities. Please provide information on measures taken by the State party to ensure the participation of women with disabilities in municipal, regional and national decision-making instances.

Children with disabilities (art. 7)

7. Please provide information on laws, strategies and programmes to promote the social inclusion of children with disabilities in the community in all areas of life. Please attach data, disaggregated by age, sex, ethnicity and rural/urban area, on the implementation of such actions, including the departmental and municipal budgets allocated to them.

8. Please report on measures taken to prevent the abandonment and institutionalization of children with disabilities, including measures to combat poverty and generate income. Please also report on measures taken to raise awareness about the rights of children with disabilities among families, professionals who work with such children and communities. Please provide information on the criteria currently applied in judicial proceedings in order to give effect to the principle of the best interests of the child in decisions affecting children with disabilities. In particular, please provide information on the application of article 31 of the Child and Adolescent Protection Act.

Awareness-raising (art. 8)

9. Please provide information on strategies and information campaigns in the State party that are aimed at promoting the rights of persons with disabilities, including programmes in the public and private education systems. Please report on measures and campaigns to combat prejudices, stereotypes and practices that are offensive and injurious to persons with disabilities, including various forms of harassment, hate crimes and the use of discriminatory language, especially that used to refer to persons with psychosocial and/or intellectual disabilities.

Accessibility (art. 9)

10. Please provide information on mechanisms to monitor compliance with accessibility standards and on the penalties imposed for non-compliance. Please indicate whether an action plan on accessibility has been formulated, in keeping with the State party's obligations under the Convention. Please state how many public transport vehicles have been modified in order to ensure accessibility and whether there are accessible routes and adapted road signs and signals for persons with disabilities in rural and urban areas?

Right to life (art. 10)

11. Please provide information on measures introduced in order to protect the right to life of persons with disabilities. Please report on the situation of organ trafficking in the State party and on measures to prevent the arbitrary deprivation of life of persons with disabilities for the purposes of trafficking. Please provide statistical data on trafficking and victims in the State party.

Situations of risk and humanitarian emergencies (art. 11)

12. Please report on recommended procedures and budgets formulated for the benefit of persons with disabilities in risk, emergency and disaster response systems. Please state whether, within the risk reduction system, there are coordination mechanisms that involve

organizations of persons with disabilities. Please indicate whether shelters and assistive devices are available to persons with disabilities in risk and emergency situations. Please indicate what information on emergencies and disasters is available in accessible formats, including Salvadoran Sign Language.

Equal recognition before the law (art. 12)

13. Please provide information on measures taken to repeal laws in the State party on legal disqualification and "incapacity". Please report on the human, technical or budgetary resources provided for the establishment of a system to support decision-making by persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities. Please describe the role and geographical distribution of social actors, including the legal profession and community-based organizations and organizations of persons with disabilities, in this support system.

Access to justice (art. 13)

14. Please provide information on procedural adjustments that have been made, taking gender and age into account, in order to facilitate access to justice for persons with disabilities. Please specify the institutions, budgets and mechanisms used to provide free legal assistance and interpretation services in Salvadoran Sign Language during legal proceedings, as well as the information systems in place to facilitate accessibility to the justice system for all persons with disabilities.

15. Please provide information on the role of the Office of the Human Rights Advocate in ensuring judicial protection for the rights of persons with disabilities and the human, technical and financial resources allocated for that purpose.

Liberty and security of the person (art. 14)

16. Please provide information on:

(a) Measures to repeal legislation and policies, including the legal framework on mental health, the family and legal capacity, with the aim of abolishing the involuntary internment of persons on the basis of actual or perceived disability, particularly that of persons with psychosocial disabilities;

(b) Measures to abolish the practice of detention on the basis of non-imputability in criminal proceedings (Code of Criminal Procedure, arts. 436 and 437);

(c) Measures to ensure accessibility and reasonable accommodation in prisons and detention centres, including police lock-ups.

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

17. Please describe measures taken to prevent corporal punishment, isolation, excessive medication, the practice of electroconvulsive therapy and other cruel, inhuman or degrading treatment or punishment of persons with disabilities. Please provide information on investigations carried out in internment centres in response to complaints of ill-treatment and describe training programmes for staff working in psychiatric hospitals and/or in residential institutions, including shelters.

Freedom from exploitation, violence and abuse (art. 16)

18. Please describe steps taken to prevent and identify all forms of violence, abuse and exploitation of persons with disabilities, including information and awareness-raising campaigns for families and caregivers. Please provide statistical data on cases of violence against persons with disabilities, disaggregated by gender, age and form of violence. Please provide information on rehabilitation and assistance measures for persons with disabilities who have been subjected to violence, specifying which ones apply to women with disabilities.

19. Please describe the mechanisms through which independent authorities monitor internment centres for persons with disabilities.

Protecting the integrity of the person (art. 17)

20. Please provide information on cases of forced sterilization of women with disabilities and measures to prevent and penalize such practices. Please report on measures to ensure that the free and informed consent of persons with disabilities to medical and pharmaceutical treatments is sought and obtained.

Liberty of movement and nationality (art. 18)

21. Please describe the coverage of programmes aimed at increasing the proximity of services that issue identity documents, for the benefit of persons with disabilities, particularly in rural areas.

Living independently and being included in the community (art. 19)

22. Please report on strategies to promote the deinstitutionalization of persons with disabilities and on the involvement of organizations of persons with disabilities in such strategies. Please indicate whether there are any plans to promote the right to independent living and access to decent housing by persons with disabilities. Please explain what programmes and budgets have been established with a view to providing services for home and institutional care, including personal assistance.

Personal mobility (art. 20)

23. Please describe programmes aimed at promoting mobility and providing technical aids to persons with disabilities, including in rural areas.

Freedom of expression and opinion, and access to information (art. 21)

24. Please provide information on:

(a) The extent to which the Internet and the websites of public and private institutions providing public services are accessible to persons with disabilities in the State party;

(b) The number of Salvadoran Sign Language interpreters, the ratio of interpreters to the number of persons with disabilities requiring such services, and programmes to teach Salvadoran Sign Language to the general public;

(c) Measures taken to promote accessibility to information produced by media outlets.

Respect for home and the family (art. 23)

25. Please describe measures taken to repeal legislation that restricts marriage by persons with disabilities and those taken to facilitate their exercise of the right to found a family. Please state what steps have been taken to protect the rights of persons with disabilities to have custody of and care for their children and to adopt a child.

Education (art. 24)

26. Please describe strategies aimed at establishing an inclusive education system and ensuring that children and adolescents with disabilities have access to the general education system. Please describe measures designed specifically for persons with disabilities to support their participation in the general education system, including public and private university education.

27. Please provide statistics on the percentage of schools with adapted physical infrastructure and accessible teaching materials, as well as on the number of children with disabilities enrolled in schools that provide regular elementary, secondary and university education and those in schools that provide special education.

Health (art. 25)

28. Please provide information on sexual and reproductive health programmes whose coverage includes women and girls with disabilities, and on the budget allocated to the adaptation of infrastructure and the procurement of accessible hospital equipment with universal design in urban and rural areas. Please describe the coverage of specialized community health teams at the municipal level and on the percentage of persons with disabilities who have access to such services. Please provide information on the access to health insurance of persons with disabilities.

Work and employment (art. 27)

29. Please provide information on strategies to create employment and income-generating opportunities for persons with disabilities and in particular measures to ensure the inclusion of women with disabilities in the labour market. Please indicate whether labour laws require employers in the various economic sectors to provide reasonable accommodation. Please report on occupational and vocational training programmes for persons with disabilities, including in rural areas.

Adequate standard of living and social protection (art. 28)

30. Please report on the inclusion of all persons with disabilities in the social protection system and provide statistics, disaggregated by age, sex and urban/rural area, on social security coverage. Please provide information on the results of the poverty alleviation strategy for persons with disabilities, including persons with disabilities in migration contexts, those living in rural areas, those belonging to indigenous peoples and those who are Salvadorans of African descent.

Participation in public and political life (art. 29)

31. Please provide information on measures taken to repeal the provisions of the Electoral Code that restrict the political participation of persons with psychosocial and/or intellectual disabilities. Please provide information on the number of persons with disabilities who hold public office, including elective positions at the municipal, departmental and national levels. Please indicate what steps have been taken to promote the establishment and strengthening of organizations of persons with disabilities.

Participation in cultural life, recreation, leisure and sport (art. 30)

32. Please describe the programmes and projects in place to ensure the participation of persons with disabilities in cultural, sports and leisure activities and in tourism, and to guarantee their access to sports, cultural and other leisure facilities, in urban and rural areas, on an equal basis with others.

C. Specific obligations of the State party (arts. 31-33)

Statistics and data collection (art. 31)

33. Please report on measures taken to compile disaggregated data on persons with disabilities in population censuses, multipurpose household surveys and other data measurement tools in the State party. Please report on the results and analysis of the situation of persons with disabilities contained in the 2015 national survey on persons with disabilities. Please describe the measures taken to incorporate Goal 17 of the 2030 Agenda for Sustainable Development, and its targets, and the recommendations of the Washington Group on Disabilities Statistics, in systems for collecting data on the situation of persons with disabilities.

International cooperation (art. 32)

34. Please provide details concerning international cooperation programmes that include persons with disabilities and their representative organizations, in conformity with the human rights standards set forth in the Convention. Please report on measures taken to

include the rights of persons with disabilities in plans to implement the Sustainable Development Goals and their monitoring mechanisms.

National implementation and monitoring (art. 33)

35. Please provide information on mechanisms in place to coordinate the efforts of the State's public authorities in implementing the Convention. Please indicate whether an internal mechanism to monitor such implementation has been established and, if so, please specify its budget and functions and say whether organizations of persons with disabilities take part in it.